THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21375 of 2006

Between:

The Chief Conservator of Forests,
Andhra Pradesh, Hyderabad
And another

... Petitioners

AND

The Chief Commissioner of Land Administration,
Andhra Pradesh, Hyderabad
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21375 of 2006

ORDER:

The Government of Andhra Pradesh represented by its Chief Conservator of Forests and the Curator, Nehru Zoological Park, Hyderabad, filed the present writ petition assailing the proceedings No.SEP3/445/93, dated 18.5.2006, issued by the first respondent. Be it noted that the first respondent is the Authority under Section 24 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (the Act, for brevity). The impugned order was passed on an application/revision petition filed by one G.Rangamma, the mother of respondents 2 and 3. It appears that after death of Rangamma, her two daughters, respondents 2 and 3, came on record, as legal representatives. Be that as it is, the brief fact of the matter leading to filing of the present writ petition is noticed in the ensuing paragraph.

The Government of Andhra Pradesh (GoAP) acquired an extent of Acs.302.14 guntas in different survey numbers of Bahadurpura and Attapur villages of Rajendranagar Mandal in Ranga Reddy District, for setting up of a zoological park. This included the land admeasuring Acs.18.00 belonging to Endowments Department and land admeasuring Acs.5.17 guntas, which was declared as escheat/'*lawaris*' Government property. An extent of Acs.20.38 guntas belonging to the Government also formed part of the land used for

zoo. It appears that the land admeasuring Acs.44.31 guntas in survey Nos.225 to 227 etc., in Noorbagh area, Attapur village of Rajendranagar Mandal in Ranga Reddy District, which was taken over under the Land Acquisition Act, 1894 (LA Act, for brevity), was the property vested under the provisions of the Act in Union of India. Therefore, the notification issued under LA Act in G.O.Ms.No.600, dated 27.3.1959, for acquisition of Acs.44.31 guntas, was withdrawn vide proceedings dated 13.11.1962. The said property was declared as evacuee property under Administration of Evacuee Property Act, 1950, and became the part of the compensation pool under the control of Chief Settlement Commissioner. Therefore, the GoAP negotiated with the Competent Authority under the Act and purchased the same under a deed of conveyance dated 26.8.1964. The land was then handed over to the petitioners.

The mother of the respondents 2 and 3 filed a petition before the first respondent in 1990 against the deed of conveyance. Late Rangamma filed revision petition claiming an extent of Acs.6.19 guntas in survey No.263 as patta land belonging to her father-in-law, late Narasinga Rao. The first respondent returned the revision petition by endorsement dated 05.6.1993 and the same was restored again. The first respondent conducted enquiry and passed the impugned orders on 18.5.2006. While accepting the plea of late Rangamma that the land admeasuring Acs.6.19 guntas in survey No.263 is patta land, the first respondent directed the District Collector, Ranga Reddy District, to initiate action for correction of entries in revenue records and also directed to initiate proceedings under LA Act as an alternative action. Aggrieved by the same, the District Collector, Ranga Reddy District, who was arrayed as respondent No.3 before the first respondent, filed a revision petition purportedly under subsection (4) of Section 24 of the Act. The same was, however, withdrawn, so as to file this writ petition.

After making the submissions for considerable length of time, learned Special Government Pleader, Mr.A.Satya Prasad, does not dispute that under Section 24(4) of the Act, any person aggrieved by the order passed under Section 24(2) of the Act can prefer revision petition to the Central Government. He also does not dispute that the power of further revision under Section 24(4) of the Act has been delegated to the State Government. But he vehemently contends that the first respondent passed orders without issuing notice to the

petitioners and, therefore, the availability of alternative remedy is not a bar for invoking the jurisdiction of this Court under Article 226 of Constitution of India.

A perusal of the impugned order would show that the Special Government Pleader was present when the first respondent heard the matter on 17.5.2006. Secondly, before passing the orders, the first respondent obtained necessary details by corresponding with the Joint Collector, Hyderabad, and Director of Nehru Zoological Park, and other revenue officials. Every one in the Revenue as well as Forest Department was aware of the proceedings before the first respondent. Therefore, this Court cannot countenance the submission that there was no notice to the petitioners. Be that as it is, the petitioners herein as such have not availed alternative remedy. Even though statedly the District Collector, Ranga Reddy District, filed a revision petition before GoAP, the same is not a bar for the petitioners to invoke the jurisdiction under Section 24(4) of the Act. For this reason, this Court is not inclined to go into the matter at this stage. Liberty is given to the petitioners to avail alternative remedy.

Therefore, the petitioners are given liberty to file revision petition under Section 24(4) of the Act before appropriate authority within a period of three weeks from the date of receipt of a copy of this order. As and when such revision petition is filed, the competent revisional authority may entertain the same, conduct enquiry and pass appropriate orders in accordance with law, after issuing notice to respondents 2 and 3 and all others concerned.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

_____

October 18, 2006 (**V.V.S.RAO,J**)

YS